

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KAISER NETHERLANDS B.V.

Plaintiff,

vs.

**TIPPINS INCORPORATED and TIPPINS
FIELD SERVICES, INC.**

Defendants.

2:06cv1625

Electronic Filing

Judge Cercone

Magistrate Judge Mitchell

ORDER OF COURT

AND NOW, this 25th day of March, 2008, after the plaintiff, Kaiser

Netherlands B.V., filed an action in the above-captioned case, and after a motion for summary judgment was submitted by the plaintiff against the defendants, Tippins, Inc. and Tippins Field Services, Inc., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by defendants and the response to those objections filed by plaintiff, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 51), this Court shall adopt the entire Report and Recommendation of the Magistrate Judge as the opinion of the Court except for the amount to which Kaiser Netherlands is entitled under the Arbitration Award, which this Court finds to be \$2,583,208.85, accordingly

IT IS HEREBY ORDERED that the plaintiff's motion for summary judgment (Docket No. 41) is granted, that the Arbitration Award is to be enforced against the defendants, that the defendants shall pay to the plaintiff \$2,583,208.85, plus simple interest as described in the Award, and that no liability for the VAT will be enforced against plaintiff.



David Stewart Cercone
United States District Judge

cc: Honorable Robert C. Mitchell
United States Magistrate Judge

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